

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WHITE PLAINS DIVISION

MICHAEL MARGOLIES,
Plaintiff,

vs.

DANIEL L. FIXLER, WILBUR
ANTHONY HUFF and LOGISTICS
MANAGEMENT RESOURCES, INC.,
Defendants.

Case No.: '05 CIV 1512 cdb

STIPULATION OF SETTLEMENT

E. O'Neil

The parties to this action, by their attorneys, agree that:

1. Plaintiff hereby discontinues the instant action and will re-file within 30 days in the Supreme Court of the State of New York in the County of New York.
2. Defendants accept and hereby submit to the jurisdiction of the Supreme Court of the State of New York.
3. Defendants hereby waive and agree not to assert any defense predicated on any statute of limitations which may have expired on or after February 4, 2005, the filing date of the original complaint in this action. This agreement does not affect any defense predicated on any statute of limitations which may have expired prior to February 4, 2005, or any other defense defendants may raise.
4. This document may be executed by facsimile.

DAVID A. BROWDE, P.C.

[Signature]

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LEVY & BOONSHOFF, P.C.

[Signature]

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June 15, 2005
White Plains, NY

So Ordered

Charles J. Briant

U.S.D.J.

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